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Agenda item 145

United Nations common system

Report of the Fifth Committee

Rapporteur: Mr. Marinko Avramović (Bosnia and Herzegovina)

I. Introduction

1. At its 3rd plenary meeting, on 16 September 2022, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-seventh session the item entitled “United Nations common system” and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 10th, 15th, 19th, 20th and resumed 25th meetings, on 2 and 15 November and 5, 8 and 30 December 2022. Statements and observations made in the course of the Committee’s consideration of the item are reflected in the relevant summary records.¹

3. For its consideration of the item, the Committee had before it the following documents:

- (a) Report of the International Civil Service Commission for 2022 ([A/77/30](#));
- (b) Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly on the programme budget implications arising from recommendations and decisions contained in the report of the International Civil Service Commission for 2022 ([A/C.5/77/4](#));
- (c) Related report of the Advisory Committee on Administrative and Budgetary Questions ([A/77/7/Add.11](#));
- (d) Report of the Secretary-General on the review of the jurisdictional set-up of the United Nations common system ([A/77/222](#));
- (e) Related report of the Advisory Committee on Administrative and Budgetary Questions ([A/77/531](#));

¹ [A/C.5/77/SR.10](#), [A/C.5/77/SR.15](#), [A/C.5/77/SR.19](#), [A/C.5/77/SR.20](#) and [A/C.5/77/SR.25/Add.1](#).



(f) Letter dated 4 November 2022 from the President of the General Assembly addressed to the Chair of the Fifth Committee ([A/C.5/77/16](#));

(g) Note by the Secretary-General transmitting the exchange of letters between the Chair of the Fifth Committee and the Under-Secretary-General for Legal Affairs, the Legal Counsel ([A/C.5/77/20](#));

(h) Note by the Secretary-General transmitting the comments of the judges of the United Nations Dispute Tribunal on the proposal of the Fifth Committee for the amendment of the statute of the International Civil Service Commission ([A/C.5/77/24](#));

(i) Note by the Secretary-General transmitting the exchange of letters between the Chair of the Fifth Committee and the Chair of the International Civil Service Commission ([A/C.5/77/28](#)).

II. Consideration of proposals

A. Draft decision [A/C.5/77/L.5](#)

4. At its 15th meeting, on 15 November, the Committee had before it a draft decision entitled “United Nations common system” ([A/C.5/77/L.5](#)), submitted by the Chair of the Committee on the basis of informal consultations coordinated by the representative of Belgium.

5. At the same meeting, the Committee adopted draft decision [A/C.5/77/L.5](#) without a vote (see para. 11).

B. Draft resolution [A/C.5/77/L.21](#)

6. At its resumed 25th meeting, on 30 December, the Committee had before it a draft resolution entitled “United Nations common system” ([A/C.5/77/L.21](#)), submitted by the Chair of the Committee on the basis of informal consultations coordinated by the representative of Belgium.

7. At the same meeting, the Committee adopted draft resolution [A/C.5/77/L.21](#) without a vote (see para. 10, draft resolution I).

C. Draft resolution [A/C.5/77/L.22](#)

8. At its resumed 25th meeting, on 30 December, the Committee had before it a draft resolution entitled “Review of the jurisdictional set-up of the United Nations common system” ([A/C.5/77/L.22](#)), submitted by the Chair of the Committee on the basis of informal consultations coordinated by the representative of Belgium.

9. At the same meeting, the Committee adopted draft resolution [A/C.5/77/L.22](#) without a vote (see para. 10, draft resolution II).

III. Recommendations of the Fifth Committee

10. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I **United Nations common system**

A

The General Assembly,

Recalling its resolutions [3357 \(XXIX\)](#) of 18 December 1974, [74/255](#) A and B of 27 December 2019, [75/245](#) A of 31 December 2020, [75/245](#) B of 16 April 2021 and [76/240](#) of 24 December 2021, and the draft decision of the Fifth Committee of 8 November 2022,¹

Having considered the views of the International Civil Service Commission and other stakeholders,

1. *Recalls* its resolutions [44/198](#) of 21 December 1989 and [45/259](#) of 3 May 1991, and for clarification purposes and without altering the Commission's authority or affecting the current operational reality, decides to amend articles 10 and 11 of the statute of the International Civil Service Commission² to read as follows:

Article 10

The Commission shall make recommendations to the General Assembly on:

- (a) The broad principles for the determination of the conditions of service of the staff;
- (b) The salary scale and the value of the post adjustment multiplier for staff in the Professional and higher categories;
- (c) Allowances and benefits of staff which are determined by the General Assembly;*
- (d) Staff assessment.

Article 11

The Commission shall establish:

- (a) The methods by which the principles for determining conditions of service should be applied;
- (b) Rates of allowances and benefits, other than pensions and those referred to in article 10 (c), the conditions of entitlement thereto and standards of travel;
- (c) The post adjustment applicable to each duty station.

* Dependency allowances and language incentives for staff in the Professional and higher categories, education grant, home leave, repatriation grant and termination indemnity.

¹ [A/C.5/77/L.5](#).

² Resolution [3357 \(XXIX\)](#), annex.

2. *Reaffirms* the authority and competence of the International Civil Service Commission to establish post adjustment multipliers for duty stations in the United Nations common system, under article 11 (c) of the statute of the Commission;

3. *Urges* the organizations of the common system to reaffirm their commitment to a single, unified United Nations common system as the cornerstone for the regulation and coordination of the conditions of service of the United Nations common system, and to that end invites them to complete, as quickly as practicable, formal acceptance of the amended statute;

4. *Calls upon* all organizations that have not done so to implement the post adjustment multipliers established by the Commission, based on the results of the 2021 baseline cost-of-living surveys, and calls upon all organizations to implement all future post adjustment multipliers established by the Commission, in compliance with their responsibilities as part of the common system arising from their acceptance of the statute of the Commission;

5. *Requests* the Commission to continue to monitor the implementation of its post adjustment decisions by organizations of the common system and to report thereon at the seventy-eighth session of the General Assembly.

B

The General Assembly,

Recalling its resolutions [44/198](#) of 21 December 1989, [51/216](#) of 18 December 1996, [52/216](#) of 22 December 1997, [53/209](#) of 18 December 1998, [54/238](#) of 23 December 1999, [55/223](#) of 23 December 2000, [56/244](#) of 24 December 2001, [57/285](#) of 20 December 2002, [58/251](#) of 23 December 2003, [59/268](#) of 23 December 2004, [60/248](#) of 23 December 2005, [61/239](#) of 22 December 2006, [62/227](#) of 22 December 2007, [63/251](#) of 24 December 2008, [64/231](#) of 22 December 2009, [65/248](#) of 24 December 2010, [66/235 A](#) of 24 December 2011, [66/235 B](#) of 21 June 2012, [67/257](#) of 12 April 2013, [68/253](#) of 27 December 2013, [69/251](#) of 29 December 2014, [70/244](#) of 23 December 2015, [71/264](#) of 23 December 2016, [72/255](#) of 24 December 2017, [73/273](#) of 22 December 2018, [74/255 A](#) and [74/255 B](#) of 27 December 2019, [75/245 A](#) of 31 December 2020, [75/245 B](#) of 16 April 2021 and [76/240](#) of 24 December 2021, and its decision 67/551 of 24 December 2012,

Having considered the report of the International Civil Service Commission for the year 2022,³

Reaffirming its commitment to a single, unified United Nations common system as the cornerstone for the regulation and coordination of the conditions of service of the United Nations common system,

Emphasizing the importance of, and benefits derived from, maintaining a coherent and unified United Nations common system,

Recognizing the global financial challenges faced by Member States, which will impact the consideration by the General Assembly in 2023 of the cost implications of the decisions and recommendations of the Commission,

1. *Takes note with appreciation* of the work of the International Civil Service Commission;

2. *Takes note* of the report of the Commission for 2022;

³ *Official Records of the General Assembly, Seventy-seventh Session, Supplement No. 30 (A/77/30).*

3. *Reaffirms* the role of the General Assembly in approving conditions of service and entitlements for all staff serving in the organizations of the United Nations common system, bearing in mind articles 10 and 11 of the statute of the Commission;⁴

4. *Recalls* articles 10 and 11 of the statute of the Commission, reaffirms the central role of the Commission in regulating and coordinating conditions of service and entitlements for all staff serving in the organizations of the United Nations common system, and also recalls that members of the Commission shall perform their functions in full independence and with impartiality;

5. *Requests* the Commission, in consultation with the Secretary-General, to analyse any existing measures to ensure adherence to the common system salaries, allowances and benefits and to make proposals to reinforce implementation of common system decisions, as appropriate, in conjunction with governing bodies;

6. *Recalls* paragraphs 12 and 13 of its resolution 76/240, and requests the Commission to provide for the consideration of the General Assembly at its seventy-eighth session a detailed outline of its approach for the next comprehensive review of the compensation package, including the structure, parameters and timelines;

7. *Also recalls* paragraph 14 of its resolution 76/240, reiterates the importance of providing Member States with comprehensive data on system-wide compensation costs for all staff categories, and expects the provision of such data without delay;

8. *Further recalls* paragraph 14 of its resolution 76/240, and stresses the importance of timely submission by the United Nations common system organizations to the Commission of necessary information in order to ensure that the decisions and recommendations of the Commission are based on updated and reliable data;

9. *Highlights* the importance of effective and timely communication of the decisions of the Commission and the General Assembly to organizations of the common system and other stakeholders in accordance with the statute of the Commission, and of advice on complex legal matters related to the common system;

I

Conditions of service applicable to both categories of staff

1. *Requests* the Commission to conduct a system-wide survey to assess factors affecting workforce retention and to submit the results and analysis of the survey to the General Assembly at its seventy-ninth session;

2. *Welcomes* the establishment of the new parental leave framework, requests the Secretary-General to implement the framework in the Secretariat of the United Nations within existing resources, on an exceptional basis, for the year 2023, and encourages executive heads of other organizations of the common system to follow such practice;

3. *Requests* the Commission to submit to the General Assembly at its eightieth session an assessment and review of the implementation of the parental leave framework, with a detailed analysis of utilization data, staff satisfaction, expenditures, the incentive function of the new framework and its impact on the workforce in the common system, in particular in terms of job attractiveness and workforce retention;

4. *Recalls* its resolution 73/273, recognizes that multilingualism strengthens workforce diversity, welcomes the inclusion of multilingualism of the workforce in

⁴ Resolution 3357 (XXIX), annex, as amended in resolution A.

the programme of work of the Commission, and notes that the language incentive will be considered within the next comprehensive review as a measure to promote multilingualism in the common system;

5. *Reaffirms* that the Commission shall establish, inter alia, standards of travel under article 11 (b) of the statute of the Commission, and requests the Commission to reconsider the pilot study on standards of accommodation for air travel, taking into account the provisions of resolutions of the General Assembly on standards of accommodation for air travel, and to report thereon in the context of the next report;

II

Conditions of service of staff in the Professional and higher categories

A. Base/floor salary scale

Recalling its resolution [44/198](#), by which it established a floor net salary level for staff in the Professional and higher categories by reference to the corresponding base net salary levels of officials in comparable positions serving at the base city of the comparator civil service (the United States federal civil service),

Approves, with effect from 1 January 2023, as recommended by the Commission in paragraph 148 of its report, the revised unified base/floor salary scale and updated pay protection points for staff in the Professional and higher categories, as contained in annex IX to the report;

B. Evolution of the margin and margin management around the desirable midpoint

Recalling section I.B of its resolution [51/216](#) and the standing mandate from the General Assembly, in which the Commission is requested to continue its review of the relationship between the net remuneration of the United Nations staff in the Professional and higher categories in New York and that of the comparator civil service (the United States federal civil service) employees in comparable positions in Washington, D.C. (referred to as “the margin”),

1. *Reaffirms* that the range of 110 to 120 for the margin between the net remuneration of officials in the Professional and higher categories of the United Nations in New York and officials in comparable positions in the comparator civil service should continue to apply, on the understanding that the margin would be maintained at a level around the desirable midpoint of 115 over a period of time;

2. *Notes* that the margin between net remuneration of the United Nations staff in grades P-1 to D-2 in New York and that of officials in comparable positions in the United States federal civil service in Washington, D.C., for the period from 1 January to 31 December 2022 is 113.9;

3. *Recalls* its decision contained in resolution [70/244](#) that, if the margin trigger levels of 113 or 117 are breached, the Commission should take appropriate action through the operation of the post adjustment system;

4. *Notes* the decision of the Commission to continue monitoring the level of the margin and to take the necessary corrective action under the operation of the post adjustment system should the trigger levels of 113 or 117 be breached;

C. Children’s and secondary dependants’ allowances

1. *Invites* the Commission to further refine the structure of the children’s and secondary dependants’ allowances and to review the feasibility of applying a means-

tested methodology, and to report thereon to the General Assembly at its seventy-eighth session;

2. *Approves*, as a compensation measure, the allowance for children with disabilities in the amount of 6,645 dollars per annum until the children's and secondary dependants' allowances are further adjusted;

D. Hardship allowance and mobility incentive

1. *Invites* the Commission to reconsider its decisions on the levels of the hardship allowance and the mobility incentive and to assess the calculating methodologies based on the outcome of the next comprehensive compensation review;

2. *Recalls* section E, paragraph 3, of its resolution [74/255](#) B, and reiterates its encouragement to the organizations of the United Nations common system to consider the application of alternative administrative measures, including non-financial incentives, to promote staff mobility, and the linking of mobility to staff development and career progression, to the extent possible.

Draft resolution II

Review of the jurisdictional set-up of the United Nations common system

The General Assembly,

Recalling its resolution [75/245](#) B of 16 April 2021,

Having considered the report of the Secretary-General¹ and the related report of the Advisory Committee on Administrative and Budgetary Questions,² as well as the letter dated 4 November 2022 from the President of the General Assembly addressed to the Chair of the Fifth Committee,³

1. *Takes note* of the report of the Secretary-General;
2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;
3. *Welcomes* the report of the Secretary-General, submitted in full accordance with the provisions of resolution [75/245](#) B;
4. *Acknowledges* the efforts undertaken by the Secretary-General in engaging with multiple stakeholders in the preparation of his report, and requests the Secretary-General to continue these consultations to find a sustainable, long-term solution with regard to the jurisdictional set-up and to preserve the unity of the United Nations common system;
5. *Stresses* the importance of preserving a single, unified and coherent United Nations common system, and recalls the respective roles of the General Assembly and the International Civil Service Commission in approving, regulating and coordinating conditions of service and entitlements for all staff serving in the organizations of the United Nations common system, as reaffirmed in paragraphs 3 and 4 of its resolution [74/255](#) B of 27 December 2019;
6. *Recalls* paragraph 41 of the report of the Advisory Committee, and encourages increased informal exchanges and sustained communication between the United Nations Dispute Tribunal and the United Nations Appeals Tribunal and the International Labour Organization Administrative Tribunal;
7. *Notes* proposals 1 (facilitating submissions by the International Civil Service Commission to the tribunals during the litigation of applications or complaints arising out of Commission recommendations or decisions) and 2 (Commission guidance after tribunal judgments in cases involving Commission recommendations or decisions), as contained in the report of the Secretary-General, and requests the Commission, and encourages other relevant stakeholders, to implement them when appropriate;
8. *Invites* the Secretary-General to complete the work on the outstanding legal and practical aspects pertaining to the jurisdictional set-up of the United Nations common system, including finalizing past proposals and assessing the viability of other options, including those proposed by the stakeholders as reflected in the report of the Secretary-General, and to submit final proposals no later than the main part of the seventy-eighth session of the General Assembly;
9. *Requests* the Secretary-General to provide, during the seventy-seventh session of the General Assembly, an informal briefing to Member States on the

¹ [A/77/222](#).

² [A/77/531](#).

³ [A/C.5/77/16](#).

preparation of the final report on the jurisdictional set-up of the United Nations common system;

10. *Decides* that the Secretary-General shall conclude the review of the jurisdictional set-up of the United Nations common system by 31 December 2023.

11. The Fifth Committee also recommends to the General Assembly the adoption of the following draft decision:

United Nations common system

The Fifth Committee,

I Office of Legal Affairs

Requests the Chair of the Fifth Committee to solicit a formal legal opinion from the Office of Legal Affairs of the Secretariat by Friday, 18 November 2022, containing responses to the following elements:

1. Notes that a proposal has been made to amend the statute of the International Civil Service Commission as follows:

Article 10

The Commission shall make recommendations to the General Assembly on:

- (a) The broad principles for the determination of the conditions of service of the staff;
- (b) The ~~salary scales of salaries and post adjustments~~ salary scales for staff in the Professional and higher categories;
- (c) Allowances and benefits of staff which are determined by the General Assembly;
- (d) Staff assessment.

Article 11

The Commission shall establish:

- (a) The methods by which the principles for determining conditions of service should be applied;
 - (b) Rates of allowances and benefits, other than pensions and those referred to in article 10 (c), the conditions of entitlement thereto and standards of travel;
 - (c) ~~The post adjustment applicable to each duty station. The classification of duty stations for the purpose of applying post adjustments.~~
2. Underscores that, in considering the proposal, the General Assembly does not intend to alter the existing authority of the Assembly or the Commission, and only seeks to eliminate any perceived legal ambiguity;
 3. Inquires whether the amendment, as drafted, preserves the current operational reality, without altering the authority of the General Assembly or the Commission;
 4. Conveys that there is concern that, as drafted, the amendment could expand the authority of the Commission on matters related to post adjustment multipliers (for example, grant it the ability to set the value of the post adjustment multipliers, or determine whether post adjustment is part of the remuneration package), requests advice on how this potential

and unintended shift in authority can be mitigated and whether adding “Remuneration structure and” or “Salary system and” in article 10 (b), or adding “The rates of” in article 11 (c) would preserve the current operational reality;

5. Requests the Office of Legal Affairs, if the options mentioned in paragraph 4 affect other elements of the authority of the General Assembly or the Commission, to provide feedback on ways to address this issue;
6. Also requests the Office, if the proposed amendment has an impact on the authority of the General Assembly or the Commission, to provide feedback on ways to preserve the current operational reality;
7. Inquires whether the proposed amendment presents any other legal challenges and, if so, requests the Office to suggest measures to mitigate those challenges;
8. Requests the Office to comment whether, in its legal opinion, the amendment sufficiently responds to the concerns outlined in rulings of the Administrative Tribunal of the International Labour Organization;
9. Inquires whether an option to amend the statute through interpretive footnotes is sufficient and whether adding a footnote reading, “As decided by the General Assembly, the adoption of the post adjustment scale is subsumed in the adoption of the base/floor salary scale” to article 10 (b) of the current version of the statute of the Commission, or a footnote reading “As decided by the General Assembly, the value of the post adjustment multiplier point is set at 1% of the base/floor salary scale (one post adjustment multiplier point equals one per cent of base salary)” to article 11 (c) of the current version of the statute of the Commission, would preserve the current operational reality and provide the same level of legal clarity as amending the text of articles 10 and 11.

II International Civil Service Commission and the organizations of the United Nations common system

Requests the Chair of the Fifth Committee to request the International Civil Service Commission to consult with the organizations of the United Nations common system and, during the consultative process, to invite the organizations to respond in writing no later than 9 December 2022 to the following questions:

1. The General Assembly is considering amending articles 10 and 11 of the statute of the International Civil Service Commission to reflect the current operational reality without altering the authority of the Assembly or the Commission. If such a surgical amendment either through the text or footnote were approved, does the Organization intend to take forward acceptance of the proposed amendment, in accordance with article 30 of the Commission statute?
2. What are the steps and the projected timeline for the Organization’s acceptance process?

III Tribunals

Invites the Administrative Tribunal of the International Labour Organization, the United Nations Dispute Tribunal and the United Nations Appeals Tribunal to express, in writing, their opinions on the matter by 1 December 2022, if they choose to do so.
